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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,875	12/28/2000	Joseph R. Cleveland	SAMS01-00139	1457

7590 06/21/2004

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EXAMINER

HAN, CLEMENCE S

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,875

Applicant(s)

CLEVELAND ET AL.

Examiner

Clemence Han

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because indefinite use of the term “base transceiver station”. In line 2–3, the signals are received by “base transceiver stations”. In line 4–5, the signals are received by “base station transceiver”. In line 5, an acronym “BTS” is used without its definition. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

2. Claim 1 objected to because of the following informalities: “Base” is capitalized in line 9, then it is not capitalized in line 10. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1–20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1 recites “a combiner in each said base transceiver station for combining a first signal received by a target base transceiver station with signals

transmitted to said target base transceiver station by plurality of base transceiver stations” at the end of the claim. The combiner is combining a signal received by the target base transceiver with signals transmitted to the target base transceiver. It is ambiguous whether the combiner is combining same signals twice or not.

6. Claim 4 recites the limitation "said second signal" in line 3. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 4 recites the limitation "said signal" in line 5. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 8 recites “a combiner in each said base transceiver station for combining a first signal received by a target base transceiver station with signals transmitted to said target base transceiver station by said plurality of said nontarget base transceiver stations” at the end of the claim. The combiner is combining a signal received by the target base transceiver with signals transmitted to the target base transceiver. It is ambiguous whether the combiner is combining same signals twice or not.

9. Claim 8 recites the limitation "said Base Station Subsystem" in line 6. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 11 recites the limitation "said second signal" in line 3. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 15 recites the limitation "said target base transceiver station symbol" in line 11. There is insufficient antecedent basis for this limitation in the claim.

*Allowable Subject Matter*

12. Claim 1–20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

*Conclusion*

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the CDMA in general.

U.S. Patent 5,884,187 to Ziv et al.

U.S. Patent 6,463,296 to Esmailzadeh et al.

U.S. Patent 5,991,627 to Honkasalo et al.

U.S. Patent 6,519,456 to Antonio et al.

U.S. Patent 6,330,456 to Hashem et al.

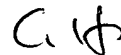
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (703) 305-0372. The examiner can normally be reached on Monday-Friday 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clemence Han  
Examiner  
Art Unit 2665



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SUPERVISORY PATENT EXAMINER  
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